

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

MEMPHIS STREET ACADEMY
CHARTER SCHOOL AT J.P. JONES
et al,

Plaintiffs,

v.

SCHOOL DISTRICT OF
PHILADELPHIA *et al,*
Defendants.

CIVIL ACTION

No. 22-02760

ORDER

AND NOW, on this 29th day of November 2022, upon consideration of Defendants' Motion to Dismiss for Failure to State a Claim (ECF No. 13), Plaintiffs' Response in Opposition (ECF No. 16), Defendants' Reply (ECF No. 28), and Plaintiffs' Sur-Reply (ECF No. 29), it is hereby **ORDERED** that the Motion is **GRANTED** as follows:

1. The claims brought against the individual Defendants¹ in their official capacities, which both parties agree are redundant, are **DISMISSED WITH PREJUDICE**;
2. The claims brought against the individual Defendants in their individual capacities, which Plaintiffs conceded lack specificity, are **DISMISSED WITHOUT PREJUDICE**;

¹ The individual Defendants are Tony B. Watlington, Joyce Wilkerson, Leticia Egea-Hinton, Julia Danzy, Chau Wing Lam, Mallory Fix Lopez, Lisa Salley, Reginald Streater, Cecelia Thompson, Peng Chao, and Sarah Ashley-Andrews.

3. The Constitutional claims brought by Plaintiff Memphis Street Academy Charter School at J.P. Jones pursuant to 42 U.S.C. § 1983 against Defendant School District of Philadelphia are **DISMISSED WITH PREJUDICE**;
4. The remaining claims fail to meet the plausibility pleading requirements and are **DISMISSED WITHOUT PREJUDICE**.
5. Plaintiffs must submit their Amended Complaint, if any, **by Wednesday, November 29, 2023**.

BY THE COURT:

/s/ Chad F. Kenney
CHAD F. KENNEY, JUDGE